

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

PETERSEN PRODUCTS CO., LLC
a Wisconsin limited liability company,

Plaintiff,

Case No. _____

v.

HIBBARD INSHORE, LLC
a Michigan limited liability company,

Defendant.

NOTICE OF REMOVAL

TO: Petersen Products Co., LLC
c/o Aaron H. Kastens
Christopher E. Nyenhuis
Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, WI 53202

Clerk of Circuit Court
Ozaukee County Courthouse
1201 South Spring Street
Port Washington, WI 53074

Defendant HIBBARD INSHORE, LLC (hereinafter, "Defendant") hereby removes Case No. 2014CV168 from the Circuit Court of Ozaukee County in the State of Wisconsin to the United States District Court for the Eastern District of Wisconsin, Milwaukee Division, pursuant to 28 U.S.C. § 1332, 1441 and 1446, and as grounds for its removal states as follows:

STATEMENT OF THE CASE

1. On April 17, 2014, Plaintiff Petersen Products Co., LLC (hereinafter, "Plaintiff") filed a Complaint in the Circuit Court of Ozaukee County in the State of Wisconsin styled

Petersen Products Co., LLC v. Hibbard Inshore, LLC, Case No. 2014CV168 (the “State Court Action”).

2. Plaintiff served Defendant with the Summons and Complaint on April 18, 2014.

3. The Complaint asserts two causes of action: (1) breach of contract; and (2) in the alternative, quantum meruit.

DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332(a)

4. This Court has jurisdiction over this matter under 28 U.S.C. § 1332(a) as there is complete diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Plaintiff is a limited liability company organized under the laws of the State of Wisconsin with a principal place of business located within the State of Wisconsin. The sole member of Plaintiff is Petersen Resources LLC, a limited liability company organized under the laws of the State of Wyoming, with an address of P.O. Box 340, 421 Wheeler Avenue, Fredonia, Wisconsin 53021. The members of Petersen Resources LLC are Philip L. Lundman, Nancy L. Lundman, Naiomi C. Lundman, and Natalie R. Birritteri. Plaintiff’s counsel has informed Defendant’s counsel that all of such individuals are residents of the State of Wisconsin.

6. Defendant is a limited liability company organized under the laws of the State of Michigan, with a principal place of business located within the State of Michigan. Each member/manager and registered agent for Defendant is a citizen of the State of Michigan.

7. The contract for which Plaintiff alleges its claims for breach and/or quantum meruit involves the design, development, engineering and manufacturing of a bulkhead and bulkhead test fixture. (Complaint, ¶¶ 6-10.)

8. Plaintiff alleges that it complied with its obligations under the contract and Defendant failed to pay for the goods and services provided. (Complaint, ¶¶ 38-40.)

9. In the alternative, Plaintiff alleges that it provided goods and services to Defendant under a reasonable expectation that it would be compensated for those goods and services and that Defendant has failed to pay for those goods and services. (Complaint, ¶¶ 44-45.)

10. Plaintiff is seeking damages in excess of \$207,800. (Complaint, ¶ 42.)

ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

11. Pursuant to 28 U.S.C. § 1446(a) and Civil Local Rule 7.1, a true and correct copy of all the process, pleadings and orders from the State Court Action which have been served upon Defendant, as well as Defendant's Answer, Affirmative Defenses and Counterclaim and the Disclosure Statement, are being filed with this Notice of Removal.

12. This Notice of Removal has been filed within 30 days of the date that Defendant was served with a Summons and Complaint in this matter. Removal is therefore timely in accordance with 28 U.S.C. § 1446(b).

13. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) and 1146(a) as the U.S. District Court for the Eastern District of Wisconsin, Milwaukee Division is the federal judicial district embracing the Circuit Court for Ozaukee County in the State of Wisconsin where the State Court Action was originally filed.

WHEREFORE, Defendant respectfully removes the State Court Action into the U.S. District Court for the Eastern District of Wisconsin, Milwaukee Division.

Dated this 8th day of May, 2014.

Respectfully submitted,

s/Beth J. Kushner
Beth J. Kushner
Terry E. Nilles
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was mailed via Regular U.S. Mail, postage prepaid, this 8th day of May, 2014 to counsel of record for Plaintiff Petersen Products Co., LLC:

Aaron H. Kastens
Christopher E. Nyenhuis
Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, WI 53202

s/Beth J. Kushner